

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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| ASIAN-AMERICAN LICENSED | : | |
| BEVERAGE ASSOCIATION, et al., | : | |
| | : | No. 2:24-cv-06348 |
| Plaintiffs, | : | |
| v. | : | Judge Schmehl |
| | : | |
| CITY OF PHILADELPHIA, et al., | : | Electronically Filed Document |
| | : | <i>Complaint Filed 11/26/2024</i> |
| Defendants. | : | |

ORDER

AND NOW, this _____ day of _____, 2025, upon consideration of Commonwealth Defendants' Motion for Leave to Exceed Court's Twenty-Five Page Limit on Briefs as to Motion to Dismiss Amended Complaint, it is hereby **ORDERED** that the Motion is **GRANTED**. Commonwealth Defendants' Opposition to Plaintiffs' Amended Motion for Preliminary Injunction, filed as ECF No. 37, is deemed accepted and filed as of February 10, 2025.

HONORABLE JEFFREY L. SCHMEHL
United States District Court Judge

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| Defendants. | : | |

**COMMONWEALTH DEFENDANTS’ MOTION FOR LEAVE TO EXCEED
TWENTY-FIVE PAGE LIMIT ON BRIEFS AS TO OPPOSITION TO
AMENDED MOTION FOR PRELIMINARY INJUNCTION**

Defendants Commonwealth of Pennsylvania, Pennsylvania State Police Bureau of Liquor Control Enforcement, Pennsylvania Liquor Control Board, and David W. Sunday, Jr., in his official capacity as Attorney General of Pennsylvania (collectively, “Commonwealth Defendants”), by and through undersigned counsel, hereby move for leave to exceed this Court’s twenty-five page limit on briefs, specifically with respect to Commonwealth Defendants’ Opposition to Plaintiffs’ Amended Motion for Preliminary Injunction (hereinafter, “Opposition”).

Commonwealth Defendants respectfully request leave to exceed the twenty-five page limit on briefs enumerated within the Court’s Policies and Procedures, with respect to Commonwealth Defendants’ Opposition. The Court’s Policies and Procedures require that all briefs or memoranda be limited to twenty-five pages. (Policies and Procedures of Schmehl, J., at p. 5.) Commonwealth Defendants presently request permission to exceed the page limit by eighteen pages. Commonwealth Defendants’ Opposition is a total of forty-three pages in length, not including Commonwealth Defendants’ proposed order and corresponding Certificate of Service. Commonwealth Defendants contend good cause warrants exceeding the Court’s page limit by eighteen pages. Plaintiffs’ Amended Complaint alleges *twelve* causes of action against

Commonwealth Defendants, each requiring separate consideration and analysis for the purposes of demonstrating to this Court why Plaintiffs are unable to demonstrate a likelihood of success upon each cause of action. Plaintiffs' allege causes of action under a variety of statutes and constitutional amendments, which are subject to dismissal due to various, differing grounds. (ECF No. 28 [Amended Complaint alleging causes of action under 42 U.S.C. § 1983, 28 U.S.C. § 2201, violations of the right to petition and overbreadth doctrine under First Amendment, violations of procedural due process and void for vagueness doctrine under the Fourteenth Amendment, equivalent provisions of Pennsylvania constitution, and civil conspiracy].) Furthermore, in addition to addressing whether Plaintiffs are able to demonstrate a likelihood of success upon the *twelve* causes of action, Commonwealth Defendants additionally need to address whether Plaintiffs have made a showing of irreparable harm. Commonwealth Defendants respectfully represent that they require the additional sixteen pages requested in order to adequately address Plaintiffs' twelve causes of action. Commonwealth Defendants have attempted to shorten the Opposition, however, after considerable efforts, Commonwealth Defendants contend that each page is necessary in order to address Plaintiffs' request for a preliminary injunction. Commonwealth Defendants contend there are no portions of the Opposition which are unnecessary or unneeded for the purposes of addressing Plaintiffs' Amended Motion for Preliminary Injunction.

Notably, Plaintiffs' own Amended Motion for Preliminary Injunction does not comply with the Court's page limit requirements, as the Motion is fifty-five pages in length and Plaintiffs have not requested leave to exceed the page limit. (ECF No. 29.) Moreover, City Defendants also requested an extension of the page limit with respect to their Opposition to Plaintiffs' Amended Motion for Preliminary Injunction, thereby confirming the number of claims advanced against

Defendants require additional pages beyond the twenty-five page limit to address Plaintiffs' Motion. (ECF Nos. 33.) Based on the foregoing, Commonwealth Defendants respectfully request leave to exceed the twenty-five page limit on briefs enumerated within the Court's Policies and Procedures, with respect to Commonwealth Defendants' Opposition.

Respectfully submitted,

Dated: February 11, 2025

DAVID W. SUNDAY, JR.
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Bureau of Liquor Control Enforcement,
Pennsylvania Liquor Control Board and
Attorney General Sunday*

CERTIFICATE OF SERVICE

I, Sarin V. Keosian-Frounjian, Deputy Attorney General for the Commonwealth of Pennsylvania, Office of Attorney General, hereby certify that on February 11, 2025, I caused to be served a true and correct copy of the foregoing document titled, “Commonwealth Defendants’ Motion to Exceed Twenty-Five Page Limit on Briefs as to Opposition to Amended Motion for Preliminary Injunction”, to the following:

VIA ECF

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